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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : John M. Ford
Group Art Unit : 1202
Applicants : Coates et al.
Serial No. : 07/835,964
Filed : February 20, 1992
For : 1,3-OXATHIOLANE NUCLEOSIDE ANALOGUES

New York, New York
July 23, 1993

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.136(a)
FOR EXTENSION OF TIME

Sir:

Pursuant to 37 C.F.R. § 1.136(a), applicants hereby petition for a two-month extension of time to respond to the Office Action dated February 23, 1993. With the extension, a response is due on or before July 23, 1993. A check in the amount of \$360.00 in payment of the fee required under 37 C.F.R. § 1.17(b) is enclosed herewith.

The Commissioner is authorized to charge any additional fees that may be due, or to credit overpayment, to Deposit Account No. 06-1075. A duplicate copy of this Petition is enclosed herewith.

Respectfully submitted,

I Herby Certify that this
Correspondence is being
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Thomas Quinones
Name of Person Signing
Signature of Person Signing

Leslie McDonell

James F. Haley, Jr.
Registration No. 27,794
Leslie A. McDonell
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Attorney(s) for Applicant(s)

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New York, New York 10020
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Art Unit 1202

Applicants response of January 13, 1993, is noted.

The claims in the application are claims 3, 4, 5, 7, 10, 19 and 20.

Claims 3, 4, 5, 7, 10, 19 and 20 are rejected under 35 U.S.C. 102 and 103. Applicants describe on page 1 of their specification the present compounds as a racemate is known. The cis isomer infringes the racemate; Eli Lilly & Co. Inc., vs. Generix Drug Sales Inc. 169 U.S.P.Q. 13, and In re Adamson, 125 USPQ 233.

Claims 19 and 20 are rejected under 35 U.S.C. § 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

One has no way of knowing what "pharmaceutically acceptable derivative thereof" applicants have in mind.

Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which papers have been placed of record in the file.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant

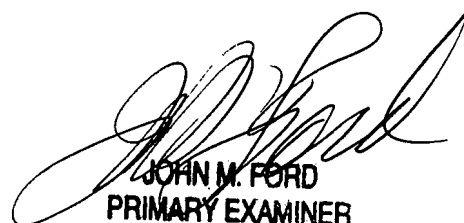
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Art Unit 1202

is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

FORD:jd
February 22, 1993



JOHN M. FORD
PRIMARY EXAMINER
GROUP 120

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Respectfully submitted,

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